

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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WARNER BROS. ENTERTAINMENT INC. and
J.K. ROWLING,

Plaintiffs,

-against-

RDR BOOKS and DOES 1-10,

Defendants.
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Case No. 07-CV-9667 (RPP)

DECLARATION OF DALE CENDALI

I, Dale Cendali, declare and state as follows:

1. I am a partner in the law firm of O'Melveny & Myers LLP, counsel for Warner Brothers Entertainment, Inc. ("Warner Bros.") and J.K. Rowling in this action. Except the facts stated on information and belief, all of the facts set forth herein are known to me personally, and if called as a witness, I could and would testify competently thereto.

2. Since September 18, 2007, acting as counsel for Ms. Rowling and Warner Bros., O'Melveny & Myers LLP made repeated efforts to communicate with Defendant, requesting that Defendant cease and desist plans to publish the book by Steven Vander Ark, entitled *The Harry Potter Lexicon* (the "Infringing Book") -- or at least postpone publication -- until the parties had a chance to discuss the situation and to provide Plaintiffs with a copy.

3. Defendant told us that the Infringing Book was a "print version" of Mr. Vander Ark's *Harry Potter Lexicon* website, located at www.hp-lexicon.org (the "Lexicon Website").

4. The *Lexicon* Website copies Plaintiffs' copyrighted materials, including, without limitation, stills from Warner Bros.' *Harry Potter* films, wholesale appropriation of lyrics to songs contained in Ms. Rowling's *Harry Potter* books as well as detailed plot summaries, lengthy quotes, extensive descriptions of the characters and blatant copying of potions, spells and other "fictional" facts that originated with the *Harry Potter* series. True and correct copies of illustrative printouts from the *Lexicon* Website are attached hereto as **Exhibit A**.

5. Attached hereto as **Exhibit B** is a copy of the front cover of the Infringing Book as it appears on Defendant's website.

6. Attached hereto as **Exhibit C** is a copy of Plaintiffs' first Request for Production in connection with this motion for expedited discovery.

7. Upon information and belief, the cover of the Infringing Book will say the words "*The Harry Potter Lexicon*" in large letters and in a font reminiscent of the one used in other *Harry Potter* works, without any kind of disclaimer.

8. Upon information and belief, the front cover of the Infringing Book contains numerous indicia from the *Harry Potter* books and films, including a white owl similar to Harry Potter's owl, Hedwig, and other magical objects in a room that could easily be mistaken for a dormitory in Gryffindor Tower.

9. The subtitle of the Infringing Book says that it is "The most complete and amazing reference to the magical world of Harry Potter."

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on November 1, 2007, at New York, New York.

Respectfully submitted,

By: 
Dale Cendali